

## **PATENT COOPERATION TREATY**

**From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

To:

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16. Aug. 2004

WV: ..... / LF: .....

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

THO4-121004 notes

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| WV: .....   | LF: .....   | Date of mailing<br>(day/month/year) | 13.08.2004                                       |
| Applicant's or agent's file reference<br><b>51154 WO</b>  |   | <b>REPLY DUE</b>                    | within 60 days from<br>the above date of mailing |
| International application No.<br><b>PCT/IB2002/004162</b>   | International filing date (day/month/year)<br><b>10.10.2002</b> | Priority date (day/month/year)      | --   |
| International Patent Classification (IPC) or both national classification and IPC<br><b>H04R 1/28 // G10K 11/02</b> |   |                                     |  |
| Applicant<br><b>Nokia Corporation et al</b>   |   |                                     |  |

|  |   |
|--|---|
| Name and mailing address of the IPEA/SE<br>Patent- och registreringsverket<br>Box 5055<br>S-102 42 STOCKHOLM<br>Facsimile No. 46 8 667 72 88 | Authorized officer<br>Leif Vingård / JA A<br>Telephone No. 46 8 782 25 00 |
|--|---|

**WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.  
PCT/IB2002/004162

**Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 

This opinion is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))  
 publication of the international application (under Rule 12.4)  
 international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this opinion has been established on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."):
 

the international application as originally filed/furnished  
 the description:  
 pages 1 - 19 received by this Authority on \_\_\_\_\_ as originally filed/furnished  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:  
 pages \_\_\_\_\_ as originally filed/furnished  
 pages 1 - 3 as amended (together with any statement) under Article 19  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:  
 pages 1 - 5 as originally filed/furnished  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
 

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to the sequence listing (specify): \_\_\_\_\_
4.  This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to the sequence listing (specify): \_\_\_\_\_

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application

claims Nos. 1 - 13

because:

the said international application, or the said claims Nos. \_\_\_\_\_  
relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_\_  
are so unclear that no meaningful opinion could be formed (specify):

the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported  
by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. 1 - 13

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the  
Administrative Instructions in that:

the written form  has not been furnished

does not comply with the standard

the computer readable form  has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with  
the technical requirements provided for in the Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

WRITING OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.  
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX III.

All of the claims 1-13 (claims 6-11 as referring to any of claims 1-5) comprise design features which were not present in the claims 1-9 that were subject to the search report. As said added design features has not been the subject of a search, no opinion with regard to novelty, inventive step and industrial applicability will be established with regard to claim(s) comprising such a design feature.

WRITTEN OPINION OF THE  
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**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Neither of claims 2-11 is drafted in accordance with PCT Rule 6.3(b)(ii), since the word "wherein" does not unambiguously define the characterising part of a claim but may as well, as, e.g., in the present claims 1, 12 and 13, be used to further limit or specify the preamble of a claim. Thus, the phrase "wherein" does, per se, i.e., if not followed by the phrase "the improvement comprises" or similar, not define the characterising portion of a claim. In the present case, no obvious reason for not considering it "appropriate" to use any of the examples mentioned in PCT Rule 6.3(b)(ii) for defining the characterising portion of each of claims 2-11 can be seen.